

## **REMARKS**

Claims 1-6 and 20-35 are now pending in the application. Claims 7-19 were previously cancelled and Claims 1-24, 27, 30-35 have been cancelled herein. Claims 25, 26, and 28 have been amended, and Claims 36-51 are new. Support for the foregoing amendments and new claims may be found throughout the written description, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments, new claims, and remarks contained herein.

### **NEW CLAIMS**

Applicants have added new Claims 36-51. Support for the new claims can be found in the specification and drawings as originally filed, and thus, no new matter has been presented. Further, Applicants respectfully refer the Office to paragraphs [0053] and [0055] of the specification as filed, and to Figs. 3, 5 and 6 as filed for a discussion of the movement of the spout. As illustrated in Figs. 3 and 6, the second end 90 is in the stowed position, and the second end 90 can rotate with respect to the first end 84 about the generally vertical axis 86 through approximately 90 degrees to reach the access position, as illustrated in Fig. 5.

Specifically, paragraph [0054] provides: "[t]he first and second components 96 and 98 are rotatably coupled at a joint 100". See Fig. 6. In addition, [0055] provides: "the second component 98 is rotated in the direction of arrow A (see Fig. 5 about a generally horizontal axis) relative to the first part 96 from an upright fill position to a downward or drainage position." Applicants also note that "...the observation of a lack of literal support does not, in and of itself, establish a *prima facie* case for lack of

adequate descriptive support under the first paragraph of 35 U.S.C. 112." *Ex parte Parks*, 30 USPQ2d 1234 (B.P.A.I. 1994). Based on at least the description recited in paragraphs [0054] and [0055] of the specification and Figs. 5 and 6, Applicants respectfully assert that the new claims do not raise issues of new matter. Further, Applicants note that the specification, drawings and claims in the originally-filed disclosure would have conveyed to one of skill in the art that the inventors, at the time the application was filed, had possession of the claimed subject matter.

Applicants also respectfully submit that new Claims 36-51 are patentable and in condition for allowance over the cited art. In particular, the cited references fail to teach, suggest or disclose whatsoever that the second open end of a spout is rotatable with respect to a first open end of the spout about a generally horizontal axis to enable the source of flush water to drain from the flush tank, or that the spout is coupled to the flush tank such that the second open end of the spout is rotatable about a generally horizontal axis and a generally vertical axis to drain the source of flush water from the flush tank. Accordingly, as none of the cited references teach, suggest or disclose at least these features of the new claims, Applicants respectfully request prompt and favorable consideration of the new claims.

#### **REJECTIONS UNDER 35 U.S.C. §§ 112 AND 103**

Claim 4 stands rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 34 and 35 stand

rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 3-6, 20-23, 25-32, 34 and 35 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for spout ends rotatable/rotatably coupled by components, does not reasonably provide enablement for only relative rotation. Claims 1-6, 20-29, 30-34 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sargent et al. (U.S. Pat. No. 4,776,631; hereinafter "Sargent") and Link (U.S. Pat. No. 779,946; hereinafter "Link"). These rejections are respectfully traversed.

As Claims 1, 3-6, 20-23, 27, 30-32, 34 and 35 have been cancelled, the rejections regarding these claims have been rendered moot. With regard to Claims 25, 26, 28 and 29, Applicants note that these claims have been amended to depend from new Claims 36 and 48. As new Claims 36 and 48 are believed to overcome the rejections under 35 U.S.C. §§ 112 and 103, Applicants respectfully request the Examiner reconsider and withdraw the rejections to Claims 25, 26, 28 and 29 under 35 U.S.C. §§ 112 and 103.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:



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